

**REMARKS****Summary of the Office Action**

Claims 15 and 17 stand rejected under 35 U.S.C. § 112, second paragraph.

Claims 1-4, 6-10, 12-14, 16 and 18-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kamioka et al. (U.S. Patent No. 6,744,721) (hereinafter “Kamioka”).

Claims 5 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamioka in view of Nagasawa et al. (U.S. Patent No. 6,396,799) (hereinafter “Nagasawa”).

Claims 15 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamioka in view of Osada (U.S. Patent No. 6,754,157) (hereinafter “Osada”).

**Summary of the Response to the Office Action**

Applicants have amended each of independent claims 1, 6 and 18-21 to differently describe embodiments of the disclosure of the instant application. Also, claims 15 and 17 are amended to improve their form. Accordingly, claims 1-21 remain currently pending for consideration.

**Rejections under 35 U.S.C. § 112**

While the Office Action is not entirely clear on this point, at page 2, section 2 of the Office Action, claims 15 and 17 appear to be rejected under 35 U.S.C. § 112, second paragraph because the Examiner refers to an issue of “insufficient antecedent basis.” Accordingly Claims 15 and 17 are amended to improve their form by incorporating the Examiner’s helpful suggestion as provided at page 2, section 2 of the Office Action. Accordingly, Applicants respectfully

submit that the claims as newly-amended fully comply with the requirements of 35 U.S.C. § 112. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112 is respectfully requested.

**Rejections under 35 U.S.C. §§ 102(b) and 103(a)**

Claims 1-4, 6-10, 12-14, 16 and 18-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kamioka. Claims 5 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamioka in view of Nagasawa. Claims 15 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamioka in view of Osada. Applicants have amended each of independent claims 1, 6 and 18-21 to differently describe embodiments of the disclosure of the instant application. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

As discussed in detail in the previous response filed in the instant application, it is well understood from the plain language of the claims that an offset value is calculated based on both a first regenerative signal and a second regenerative signal. The first regenerative signal is generated based on reflected light from a recording medium “when at least a part of the pre-pit is formed within a radiation range of the light beam onto the groove track.” The light beam in Figs. 3A-3C of the instant application is indicated by S1. Accordingly, Applicants respectfully submit that this feature is shown by T2 in Figs. 3A-3C of the instant application. The second regenerative signal is generated based on reflected light from the recording medium “when the pre-pit is formed outside the radiation range of the light beam.” Applicants respectfully submit that this feature is shown by T1 and T3 in Figs. 3A-3C of the instant application.

Applicants respectfully submit that, in embodiments of the disclosure of the instant application, the light beam S1 as shown in Figs. 3A-3C of the instant application moves from between points T1 to T3 or from T3 to T1, passing through T2 in each instance. Applicants respectfully submit that the pre-pit LPP is situated at the T2 position in these figures of the instant application. Applicants respectfully submit that this arrangement is particularly different from that disclosed in Kamioka. Accordingly, along these lines, independent claim 1 of the instant application has been newly-amended to now additionally describe a time difference between the generating of the first regenerative signal and the second regenerative signal.

Applicants respectfully submit, however, that such a time difference already existed in the previous language of the claims. In other words, independent claim 1, for example, previously recited that the first regenerative signal is generated “when at least a part of the pre-pit is formed within a radiation range of the light beam onto the groove track.” Independent claim 1, for example, previously went on to recite that the second regenerative signal is generated “when the pre-pit is formed outside the radiation range of the light beam.” Accordingly, independent claim 1 already recited that at one time a pre-pit is formed within a radiation range of the light beam and at another time, the same pre-pit is outside of the same radiation range of the light beam. While the claim did not explicitly recite “at a different particular time,” as compared to another “particular time,” this must have been the case because the same pre-pit is later described in the claim as being outside of the same radiation range from that which it is earlier recited as being within in the earlier part of the claim.

Nevertheless, in the interest of advancing the prosecution of the instant application, Applicants have decided to amend independent claim 1 to recite “...generates a first

regenerative signal based on a reflected light from the recording medium at a particular time when at least a part of the pre-pit is formed within a radiation range of the light beam onto the groove track.” In this regard, independent claim 1 has also been newly-amended to further recite “...generates a second regenerative signal based on a reflected light from the recording medium at a different particular time when the pre-pit is formed outside the radiation range of the light beam.”

Applicants respectfully submit that at least the above-discussed specific time difference features are neither shown nor suggested by the applied art of record. Similar features as discussed above with regard to independent claim 1 of the instant application are also described in the remaining independent claims 6 and 18-21 of the instant application. Accordingly, similar arguments as set forth above with regard to independent claim 1 also apply to independent claims 6 and 18-21 of the instant application.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 102(b) should be withdrawn because Kamioka does not teach or suggest each feature of independent claims 1, 6 and 18-21 of the instant application. As pointed out in MPEP § 2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).”

With regard to the rejections of the dependent claims, Applicants respectfully submit that the dependent claims are allowable at least because of their dependence from their respective base claims 1 or 6, as discussed above.

In addition, Applicants respectfully submit that dependent claims 5 and 11 are allowable at least because of their dependence from independent claims 1 or 6, and the reasons discussed previously. As to the additionally-applied reference to Nagasawa with regard to the rejection of dependent claims 5 and 11, Applicants respectfully submit that Nagasawa does not cure the deficiencies discussed above with regard to Kamioka. In addition, Applicants respectfully submit that dependent claims 15 and 17 are allowable at least because of their dependence from independent claim 1, and the reasons discussed previously. As to the additionally-applied reference to Osada with regard to the rejection of dependent claims 15 and 17, Applicants respectfully submit that Osada does not cure the deficiencies discussed above with regard to Kamioka.

### **CONCLUSION**

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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